

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-8, 11-16, and 18-25 were pending in this application. Claims 13 and 14 have been withdrawn. Claims 1 and 15 have been amended to more clearly recite the features of the invention. Accordingly, claims 1-8, 11-16, and 18-25 will remain pending herein upon entry of this Amendment. For the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

In the Office Action claims 1-2 and 4-5 were rejected under 35 U.S.C. §102(e) as being anticipated by Cannon et al. (U.S. Patent 6,650,871). Claims 3, 7-8 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cannon in view of Mooney et al. (U.S. Pub. No. 2003/0045235). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cannon in combination with Underwood (U.S. Pub. No. 2005/0085262). Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cannon in combination with Mooney as applied to claim 7 and further in view of Underwood. Claims 15-16 and 18-25 were rejected under 35 §U.S.C. 103(a) as being unpatentable over Wonak et al. (U.S. Publication No. 2003/0236091), in view of Cannon.

Referring first to claim 7, Applicant respectfully submits that Mooney does not disclose, teach, or suggest “using a short-range wireless communications headset profile embedded in the telephone base station of the landline telephone and the cellular telephone for exchanging audio packets,” as the Examiner suggests in the fourth paragraph of Page 7 of the Office Action of

August, 11, 2006. The Examiner refers to Figs. 1 and 4 and paragraphs [0009] and [0012]-[0021] of Mooney for support. Applicant respectfully submits that the cited disclosure lacks such a teaching. Firstly, Fig. 4 and the discussion in the cited paragraphs refer to conventional Bluetooth enabled devices, provided in the way of background (i.e., they are under the section heading "Background" and clearly refer to conventional technology), and are not representative of the invention of Mooney. This background disclosure relates to a conventional Bluetooth enabled cell phone communicating with a conventional Bluetooth enabled headset and does not disclose a headset profile embedded in a base station of a landline telephone or exchanging audio packets between a cellular phone and the landline base station, as claimed.

Fig. 1, which is representative of the invention of Mooney, likewise does not meet the claimed feature as asserted by the Examiner. The invention of Mooney pertains to adapting a non-Bluetooth enabled phone to be used with a wireless Bluetooth headset by externally attaching an additional piece of hardware (i.e., not embedded). In the case of non-Bluetooth enabled cell phones or landlines, a smart Bluetooth interface gateway is **plugged into the audio jack** of the non-Bluetooth enabled phone and monitors the audio signals emanating therefrom in analog (see paragraphs [0036], [0041]-[0042], and [0061]-[0063]). This description is not analogous to the present invention. Mooney adapts a conventional phone to feed its signals into a Bluetooth headset, whereas the present invention provides a means to feed signals originating from a Bluetooth enabled device into a conventional landline telephone.

The Examiner cites Fig. 1 of Mooney for the teaching that the headset profile is embedded in the telephone base station of the landline telephone because the Bluetooth interface

gateway (100) is in the same dashed-line box 502 as is the conventional wireless phone.

Applicant respectfully submits that this interpretation is incorrect. In view of the disclosure of Mooney and as summarized above, it is clear that the gateway (100) is not disclosed as being embedded in any telephone base station and, further, at least in the illustrated example, there is not even a landline base station disclosed (phone 170 is disclosed as being a wireless phone (e.g., a cell phone); see paragraphs [0039], [0009], and [0024]). Although Mooney may possibly provide for application of the disclosed device to home phones in an alternative embodiment (see paragraph [0061], for example), the fact remains that in either case the device specifically applies to telephones *that are not Bluetooth enabled*. If the gateway were embedded in the phone (170), the invention of Mooney would not be applicable at all since it is explicitly taught to monitor audio signals from the audio jack in analog.

The combination (502) in Fig. 1 is delimited as such for illustration of the fact that Mooney is effectively creating a virtual Wireless Bluetooth Phone by plugging a smart interface into the audio jack of the conventional headset, which interface in turn communicates with a Bluetooth enabled headset (see paragraph [0039]: “an otherwise conventional BLUETOOTH headset 504 is capable of communications with an otherwise conventional wireless phone 170 by adaptation of the wireless phone into a wireless BLUETOOTH phone 502 by the **external connection** of a smart BLUETOOTH interface gateway 100” (emphasis added)).

Because Mooney does not disclose “a short-range wireless communications headset profile embedded in the telephone base station of the landline telephone for exchanging audio packets when an audio exchange is required,” the Examiner has not made a *prima facie* showing

of obviousness (the Examiner has acknowledged that Cannon lacks such a feature in the third paragraph of Page 7 of the Office Action of August 11, 2006). It is noted that the Examiner has cited Mooney for exactly this feature, as stated in the fourth paragraph of Page 7 of the Office Action of August 11, 2006, and, accordingly, if the Examiner finds reason to alter the rationale underlying the rejection Applicant respectfully requests that such rejection be made non-final in accordance with proper USPTO procedure governing new grounds of rejection in order to allow Applicant an opportunity for response.

Claims 1 and 15 have been amended to include features similar to those recited in claim 7 discussed above. With respect to claims 1 and 15, the Examiner has acknowledged in paragraph 3 of page 7 of the Office Action of August 11, 2006, that Cannon does not disclose the claimed feature. With respect to claim 15, Wonak clearly does not disclose establishing the audio link by using a short-range wireless communications headset profile embedded in the base station of the landline telephone and the cellular telephone for exchanging audio packets when an audio exchange is required. Connection to the cellular phone in Wonak is provided by a separate device (16, in Fig. 1) that is connected to the base station through an RJ-11 Interface. For at least these reasons, Applicant respectfully submits that each of the independent claims 1, 7, and 15 are in condition for allowance. Dependent claims 3-6, 11-14, 16, and 18-25 are patentable at least by virtue of their dependency from claims 1, 7, and 15 and for the additional features recited therein.

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In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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